

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
COURT FILE NO.: _____**

Whitney Owen,

Plaintiff,

v.

Enhanced Recovery Company, LLC,

Defendants.

COMPLAINT

JURY TRIAL DEMANDED

JURISDICTION

1. Jurisdiction of this Court arises under 28 U.S.C. § 1331 and pursuant to 15 U.S.C. § 1692k(d), and pursuant to 28 U.S.C. § 1367 for pendent state law claims.
2. This action arises out of Defendants' repeated violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq. ("FDCPA") by these Defendants and their agents in their illegal efforts to collect a consumer debt from Plaintiff.
3. Venue is proper in this District because the acts and transactions occurred here, Plaintiff resides here, and Defendants transact business here.

PARTIES

4. Plaintiff Whitney is a natural person who resides in the City of St. Paul, County of Ramsey, State of Minnesota, and is a “consumer” as that term is defined by 15 U.S.C. § 1692a(3), and/or a person affected by a violation of the FDCPA with standing to bring this claim under 15 U.S.C. §§ 1692k(a).
5. Defendant Enhanced Recovery Company, LLC (hereinafter “Defendant ERC”) is a collection agency operating from an address of 8014 Bayberry Rd., Jacksonville, FL 32256, and is a “debt collector” as that term is defined by 15 U.S.C. § 1692a(6).

FACTUAL ALLEGATIONS

6. In or around 2011, Plaintiff incurred a financial obligation that was primarily for personal, family or household purposes and is therefore a “debt” as that term is defined by 15 U.S.C. § 1692a(5), namely, a cable television account with Comcast Cable Communications, LLC in the approximate amount of \$198.32.
7. Sometime thereafter, the debt was consigned, placed or otherwise transferred to Defendants for collection from Plaintiff.
8. On September 17, 2012, Plaintiff filed for Chapter 7 bankruptcy properly scheduling the aforementioned debt as an unsecured non-priority debt and

providing notice of the filing to the original creditor, Comcast Cable Communications, LLC, as well Defendant ERC (Exhibit 1).

9. On September 24, 2012, Defendant ERC sent a letter (Exhibit 2) to Plaintiff via U.S. Mail in an effort to collect this debt, which was a “communication” in an attempt to collect a debt as that term is defined by 15 U.S.C. § 1692a(2).
10. The aforementioned communication was an attempt to collect a debt that was prohibited by the automatic stay under 11 U.S.C. § 362.
11. The above-described collection communication made to Plaintiff by Defendant ERC was made in violation of numerous and multiple provisions of the FDCPA, including but not limited to 15 U.S.C. §§ 1692b(1), 1692b(5), 1692c(a)(1), 1692c(a)(3), 1692c(b), 1692d, 1692e, 1692e(2)(A), 1692e(5), 1692e(7), 1692e(10), and 1692f, amongst others.

Summary

12. The above-described collection communication made to Plaintiff by Defendant ERC, was made in violation of numerous and multiple provisions of the FDCPA, including but not limited to all of the provisions of the FDCPA cited herein.
13. The above-detailed conduct by these Defendants of harassing Plaintiff in an effort to collect this debt was a violation of numerous and multiple provisions

of the FDCPA, including but not limited to all of the above mentioned provisions of the FDCPA.

14. Plaintiff has suffered actual damages as a result of this illegal collection communication by this Defendant in the form of anger, anxiety, emotional distress, fear, frustration, upset, humiliation, embarrassment, amongst other negative emotions.

TRIAL BY JURY

15. Plaintiff is entitled to and hereby respectfully demands a trial by jury on all issues so triable. US Const. amend. 7. Fed.R.Civ.P. 38.

CAUSES OF ACTION

COUNT I.

VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT

15 U.S.C. § 1692 et seq.

16. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.
17. The foregoing acts and omissions of each Defendant and their agents constitute numerous and multiple violations of the FDCPA including, but

not limited to, each and every one of the above-cited provisions of the FDCPA, 15 U.S.C. § 1692 et seq., with respect to Plaintiff.

18. As a result of each Defendant's violations of the FDCPA, Plaintiff is entitled to actual damages pursuant to 15 U.S.C. § 1692k(a)(1); statutory damages in an amount up to \$1,000.00 pursuant to 15 U.S.C. § 1692k(a)(2)(A); and, reasonable attorney's fees and costs pursuant to 15 U.S.C. § 1692k(a)(3), from each Defendant herein.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that judgment be entered against each Defendant:

COUNT I.

VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT

15 U.S.C. § 1692 et seq.

- for an award of actual damages pursuant to 15 U.S.C. § 1692k(a)(1) against each Defendant and for Plaintiff;
- for an award of statutory damages of \$1,000.00 pursuant to 15 U.S.C. § 1692k(a)(2)(A) against each Defendant and for Plaintiff;
- for an award of costs of litigation and reasonable attorney's fees pursuant to 15 U.S.C. § 1692k(a)(3) against each Defendant and for Plaintiff;

Respectfully submitted,

Dated: December 5, 2012

HEIMERL & LAMMERS, LLC

By: **s/Maxim C. Zawojski**

Maxim C. Zawojski

Attorney I.D.#0390721

901 N. Third St., Ste 110

Minneapolis, Minnesota 55401

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max@hllawfirm.com

Attorney for Plaintiff

IN RE Owen, Whitney Ann

Case No. _____

Debtor(s)

(If known)

SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS
(Continuation Sheet)

CREDITOR'S NAME, MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER. <i>(See Instructions Above.)</i>	CODEBTOR HUSBAND, WIFE, JOINT, OR COMMUNITY	DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE	CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM
ACCOUNT NO. Gurstel & Chargo 6681 Country Club Drive Golden Valley, MN 55427		Assignee or other notification for: Cap One				
ACCOUNT NO. 1656 Comcast PO Box 802068 Dallas, TX 75380		Cable				198.32
ACCOUNT NO. Enhanced Recovery Company 8014 Bayberry Jacksonville, FL 32256		Assignee or other notification for: Comcast				
ACCOUNT NO. 1718 Community University Health Care Center 2001 Bloomington Ave S Minneapolis, MN 55404		Medical Services				150.00
ACCOUNT NO. 1763 Diversified Adjustment 600 Coon Rapids Blvd Nw Coon Rapids, MN 55433		Open account opened 2/12				318.00
ACCOUNT NO. 3066 Driving Diversion Program PO Box 19 Red Wing, MN 55066		Unknown				628.00
ACCOUNT NO. Fairview Health Services PO Box 9372 Minneapolis, MN 55440		Medical services				147.00

Sheet no. 1 of 2 continuation sheets attached to
Schedule of Creditors Holding Unsecured Nonpriority Claims

Subtotal
(Total of this page) \$ **1,441.32**

(Use only on last page of the completed Schedule F. Report also on
the Summary of Schedules, and if applicable, on the Statistical
Summary of Certain Liabilities and Related Data.) \$

EXHIBIT**1**



Enhanced Recovery Company, LLC

September 24, 2012

Creditor: Comcast Cable Communications, LLC
Original Creditor: Comcast Cable Communications, LLC
Account Number: XXXXXXXXXXXX3266
Amount of Debt: \$198.32
Reference Number: 66201656

PAYMENT OPTIONS

WHITTNEY OWEN

We recognize that you may have gone through some financial difficulty and have been unable to resolve your account. We would like to offer you a few flexible options to satisfy your account.

- Option 1: Pay your current balance of \$198.32 in 3 monthly payments of \$66.11.
 Option 2: Pay your current balance of \$198.32 in 6 monthly payments of \$33.05.
 Option 3: Your account may be eligible for a discount with similar payment periods as above. Please contact one of our representatives to take advantage of this option.

View statements, pay your balance, and manage your account online at www.enhanced.com

Telephone: (800) 586-0019 Toll Free

Send correspondence to: Enhanced Recovery Company, LLC, 8014 Bayberry Rd., Jacksonville, FL 32256-7412

Office Hours (Eastern Time): Mon - Thur: 8:00 am - 11:00 pm; Fri: 8:00 am - 10:00 pm; Sat: 8:00 am - 8:00 pm



This is an attempt to collect a debt. Any information obtained will be used for that purpose.
NOTICE - SEE REVERSE SIDE FOR IMPORTANT NOTICES AND CONSUMER RIGHTS

Please do not send correspondence to this address.

P.O. BOX 1259, Dept 98696
 Oaks, PA 19456



September 24, 2012

IF PAYING BY CREDIT OR DEBIT CARD, FILL OUT BELOW		
OR IF PAYING BY CHECK OR MONEY ORDER PLEASE REMIT TO ADDRESS BELOW.		
<input type="checkbox"/> VISA <input type="checkbox"/> MasterCard <input type="checkbox"/> AMERICAN EXPRESS	BILLING ZIP	
CARD NUMBER	SECURITY CODE	
SIGNATURE	EXP. DATE	
REFERENCE NUMBER	AMOUNT OF DEBT	AMOUNT PAID
66201656	\$198.32	\$



WHITTNEY OWEN
 44 COOK AVE W APT B
 SAINT PAUL MN 55117-4929

98690 - 6923

Enhanced Recovery Company, LLC
 8014 Bayberry Rd.
 Jacksonville, FL 32256-7412



EXHIBIT

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